

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION**

FEDERAL TRADE COMMISSION,
STATE OF CALIFORNIA, STATE OF
COLORADO, STATE OF ILLINOIS,
STATE OF INDIANA, STATE OF IOWA,
STATE OF MINNESOTA, STATE OF
NEBRASKA, STATE OF OREGON,
STATE OF TENNESSEE, STATE OF
TEXAS, STATE OF WASHINGTON, and
STATE OF WISCONSIN,

Plaintiffs,

v.

SYNGENTA CROP PROTECTION AG,
SYNGENTA CORPORATION,
SYNGENTA CROP PROTECTION, LLC,
and CORTEVA, INC.,

Defendants.

Case No. 1:22-cv-00828-TDS-JEP

**DECLARATION OF ALLYSON M.
MALTAS IN SUPPORT OF
PLAINTIFFS' MOTION TO
COMPEL DISCOVERY OF
SYNGENTA DEFENDANTS**

**[TEMPORARY PUBLIC
REDACTED VERSION]**

I, Allyson M. Maltas, do hereby declare and state as follows:

1. I am an active member in good standing of the bar of the District of Columbia. I am a Senior Trial Counsel in the Bureau of Competition of the Federal Trade Commission ("FTC"), an agency of the United States Government, and I am representing the FTC in the above-captioned action. I have personal knowledge of the matters set forth in this Declaration.

2. I respectfully submit this Declaration in support of Plaintiffs' Motion To Compel Discovery of Syngenta Defendants.

3. Attached as Exhibit A is a true and correct copy of Plaintiffs' First Set of Requests For Production to Syngenta Crop Protection AG, Syngenta Corporation, and Syngenta Crop Protection, LLC, served on April 19, 2024.

4. Attached as Exhibit B is a true and correct copy of the Responses and Objections of Defendants Syngenta Crop Protection AG, Syngenta Corporation, and Syngenta Crop Protection, LLC to Plaintiffs' First Set of Requests For Production of Documents, served on May 20, 2024.

5. Attached as Exhibit C is a true and correct copy of the June 7, 2024 letter from Benjamin M. Miller to Philip Kehl regarding Plaintiffs' First Set of Requests For Production.

6. Attached as Exhibit D are true and correct excerpts from [REDACTED], dated March 2005, produced to Plaintiffs by Syngenta during the pre-complaint investigation as Syngenta_FTC_00604960.

7. Attached as Exhibit E are true and correct excerpts from the transcript of the November 9, 2010 Deposition of Vernon Richard Hawkins in *City of Greenville v. Syngenta Crop Protection, Inc.*, No. 10-cv-188-JPG-PMF (S.D. Ill.).

8. Attached as Exhibit F is a true and correct copy of the Initial Disclosures of Defendants Syngenta Crop Protection AG, Syngenta Corporation, and Syngenta Crop Protection, LLC Pursuant to Fed. R. Civ. P. 26(a)(1)(A).

9. Attached as Exhibit G are true and correct excerpts from the transcript of Vern Hawkins's February 4, 2022 investigative hearing testimony, produced in this case as FTC-PROD-0000026682.

10. Attached as Exhibit H is a true and correct copy of November 2017 emails between Jon Parr and Vern Hawkins regarding [REDACTED] produced to Plaintiffs by Syngenta during the pre-complaint investigation as Syngenta_FTC_00898047.

11. Attached as Exhibit I is a true and correct copy of December 2017 emails among Vern Hawkins, Jon Parr, Jeff Rowe, and others regarding [REDACTED] produced to Plaintiffs by Syngenta during the pre-complaint investigation as Syngenta_FTC_00898044.

12. Attached as Exhibit J is a true and correct copy of the July 16, 2017 emails between Jeff Rowe and Vern Hawkins regarding [REDACTED] produced to Plaintiffs by Syngenta during the pre-complaint investigation as Syngenta_FTC_00247595.

13. Attached as Exhibit K are true and correct excerpts from [REDACTED]
[REDACTED]
[REDACTED], produced to Plaintiffs by Syngenta during the pre-complaint investigation as Syngenta_FTC_00112996.

14. Attached as Exhibit L is a true and correct copy of the January 5, 2017 email from David Scott to Charles Flippin and others at Syngenta regarding [REDACTED]

[REDACTED] with true and correct excerpts from the attached [REDACTED]
[REDACTED]
[REDACTED], produced to Plaintiffs by Syngenta during the pre-

complaint investigation as Syngenta_FTC_00927858, -927860.

15. Attached as Exhibit M is a true and correct copy of the January 12, 2022 Order in *Syngenta Crop Protection, LLC v. Atticus, LLC*, No. 5:19-cv-00509-D (E.D.N.C.) (Doc. 443), affirming Magistrate Judge Swank's order (Doc. 356) granting Atticus, LLC's motion to compel discovery of Syngenta (Doc. 73).

16. Attached as Exhibit N is a true and correct copy of the June 4, 2024 letter from Philip Kehl to Benjamin M. Miller regarding Plaintiffs' First Set of Requests For Production.

17. Attached as Exhibit O is a true and correct copy of Plaintiffs' redline of Syngenta's proposed search terms, sent by Plaintiffs to Syngenta on June 13, 2024.

18. Attached as Exhibit P is a true and correct copy of the FTC's May 26, 2020 Subpoena Duces Tecum to Syngenta Crop Protection, LLC.

19. Attached as Exhibit Q is a true and correct copy of the December 17, 2020 letter and Appendix A from Syngenta to the FTC regarding "Syngenta Crop Protection, LLC Document Response Requests & Specifications 21 and 22 Submissions."

20. Attached as Exhibit R is a true and correct copy of the "Request Terms" the parties agreed upon on June 24, 2024.

21. Attached as Exhibit S is a true and correct copy of the July 24, 2024 email from Scott Langkamp to Jim Jenkins with true and correct excerpts of the attached [REDACTED]
[REDACTED]
[REDACTED] produced to Plaintiffs by Syngenta during the pre-complaint investigation as Syngenta_FTC_00083315, -83316.

22. Attached as Exhibit T is a true and correct copy of the March 3, 2015 email from Chip Garman to Charles Flippin with true and correct excerpts of the attached
[REDACTED]
[REDACTED] produced to Plaintiffs by Syngenta during the pre-complaint investigation as Syngenta_FTC_00228992, -228993.

23. Attached as Exhibit U is a true and correct copy of the June 18, 2024 email from Benjamin M. Miller to Philip Kehl regarding Plaintiffs' First Set of Requests For Production.

24. Attached as Exhibit V is a true and correct copy of the [REDACTED]
[REDACTED]
[REDACTED] produced to Plaintiffs by Syngenta during the pre-complaint investigation as Syngenta_FTC_00080305.

25. Attached as Exhibit W is a true and correct copy of the April 28, 2016 email from Andrew Fisher to Jeff Cecil with attached [REDACTED]
[REDACTED] produced to Plaintiffs by Syngenta during the pre-complaint investigation as Syngenta_FTC_00119743, -119744.

26. Attached as Exhibit X are true and correct excerpts from the [REDACTED]
[REDACTED]
[REDACTED]
produced to Plaintiffs by Syngenta during the pre-complaint investigation as
Syngenta_FTC_00027199.

27. Attached as Exhibit Y are true and correct excerpts from the transcript of
Robert Andrew Fisher's September 7, 2017 trial testimony in *Syngenta Crop Protection,
LLC v. Willowood, LLC*, No. 1:15-cv-274 (M.D.N.C.), produced to Plaintiffs by Syngenta
during the pre-complaint investigation as Syngenta_FTC_01025018.

28. Attached as Exhibit Z is a true and correct copy of the [REDACTED]
[REDACTED]
[REDACTED] with true and correct excerpts from the attached [REDACTED]
[REDACTED] produced to Plaintiffs by Syngenta
during the pre-complaint investigation as Syngenta_FTC_00480982, -480983.

29. Attached as Exhibit AA is a true and correct copy of the June 24, 2024
email from Benjamin M. Miller to Philip Kehl regarding Plaintiffs' First Set of Requests
For Production.

Executed on June 25, 2024.

/s/ Allyson M. Maltas

ALLYSON M. MALTAS
Senior Trial Counsel
Federal Trade Commission
Bureau of Competition
600 Pennsylvania Avenue, NW
Washington, DC 20580
Telephone: (202) 326-3646
Email: amaltas@ftc.gov